



STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – February 22, 2010
Environment Committee

Testimony Submitted by Commissioner Amey W. Marrella
Department of Environment Protection

Raised House Bill No. 5128 - AN ACT CONCERNING ENVIRONMENTAL CONSERVATION LICENSING

Thank you for the opportunity to present testimony regarding Raised House Bill No. 5128, AN ACT CONCERNING ENVIRONMENTAL CONSERVATION LICENSING. We appreciate the Committee's willingness to raise this bill at the request of the Department of Environmental Protection (Department). This proposal, that we strongly support, would make critical and necessary revisions to existing assent language to enable the Department to maintain eligibility for approximately \$6.5 to \$7.0 million per year in federal funds in support of fish and wildlife programs. Minor but necessary statutory changes are also proposed to accommodate the Department's recent implementation of an automated sportsman's licensing system. Finally, this legislative proposal would clarify the ability of the Department to issue "special use" licenses on all properties controlled by the Department.

Section 1

This section proposed to amend CGS 23-11 to clarify the ability of the Department to issue revocable "special use" licenses on all properties controlled by the Department. In addition to forests and parks, the Department controls wildlife management areas, boat ramps and other types of property. The proposed change would clarify that "special use" licenses could also be issued on these types of property. Special use licenses are issued for many types of events, including fundraisers by charitable groups, weddings, road races, scientific studies, and astronomy nights. The DEP carefully evaluates each Special Use request to ensure the use is compatible with the property in question and does not conflict with public uses.

Automated Sportsman Licensing System - Sections 2, 5-14 and 17

Adoption of this portion of the bill will continue the success of the new automated sportsman licensing system. The agent/town clerk/Department business relationships would be simplified by re-categorizing town clerks and retail agents as "agents of the commissioner." Additionally, the town clerks' responsibilities associated with supporting retail agents in their towns would be formally eliminated as the Department now handles all administrative responsibilities.

Specifically, sections 2, 5-14 and 17 of the proposal would make the following changes:

1) Remove the distinction between types of agents authorized by the commissioner to issue certain sportsman licenses, permits, tags and stamps (e.g. town clerk). Instead, this proposal would recognize all such agents as "agents of the commissioner." This change reflects the

ability of the Department's new automated system to allow all "agents" to report their business directly to the Department.

2) Update the fee processing and agent reporting requirements. These proposed changes would accommodate the automated system's ability to directly handle license fee processing, agent fee accountability, and agent reporting schedules established by the commissioner. As a result of these changes, the automated system would be more efficient than the previous paper-based license system.

3) Change the requirements for issuance of deer tags. This proposal would permit the Department to decide whether to issue species tags or not require tagging. This reflects the Department's new ability to more effectively manage such information through online and Interactive Voice Recognition (IVR) based hunter reporting. The IVR operates through a toll-free phone number.

4) Eliminate "duplicate" license requirements for replacement of a lost license. The new automated system makes it unnecessary for the Department to issue "duplicate" licenses. Sportsmen can simply re-print their lost licenses and permits.

Current Benefits of the Automated Sportsman Licensing System

The most significant impact of this new system is the public's improved access to acquiring sportsman's licenses, permits, tags and stamps from a variety of sources including the comfort of their own home via the internet. Additional benefits include: 1) an increased level of efficiency in offering products and services to sportsmen; 2) the implementation of a unique "Conservation ID #" for each sportsman that replaces previous identity information such as social security number; 3) a dramatic increase in sportsman donations to the Department via the internet sales channel; 4) a dramatic increase in sales of the Department's Wildlife magazine; 5) substantial costs savings realized by the State and municipalities through the elimination of manual license handling and reporting; 6) substantial reduction in annual printing and mailing costs incurred by the State by eliminating specialty paper stock; 7) real-time access to sales and harvest information for a more complete data set made available to a broader number of DEP staff, resulting in increased efficiency for several Departmental programs; 8) the ability of the Department to implement additions or changes to sportsman licenses without delays; and 9) the opportunity to support additional Department licensing programs in the future through the existing sales platform.

"Assent Language" - Sections 3-4 and 15-16

Passage of these sections is essential to the operation of the DEP Bureau of Natural Resources. Revision of the current assent language is needed to enable the Department to maintain eligibility for \$6.5 to \$7.0 million per year in federal funds. As a result of PA 09-111 and PA 09-3 (June special session), the Environmental Conservation Fund was swept and both the existing balance and revenue stream were transferred to the General Fund. Sportsmen license revenue deposited into the defunct Environmental Conservation Fund was used to support our fish and wildlife programs, including our state fish hatchery system. Revenues from the sale of sportsmen licenses, permits, tags and stamps have always been returned to DEP to be used to support fishing, hunting and wildlife programs within BNR. As per federal regulation (50 CFR 80.4), the use of such revenue is restricted to the administration of fish and wildlife programs. All states must comply with this requirement in order to receive federal Sport Fish and Wildlife

Restoration Program funds, and states must enact legislation to prevent license revenues from being diverted to non-fish and wildlife programs.

The Sports Fish Restoration (SFR) and Wildlife Restoration (WR) program are two of the nation's most successful user pay-user benefit programs. These programs receive revenue from a manufacturing excise tax on certain hunting and fishing equipment and related items, which is then apportioned back to the states based on a formula which includes land area and number of paid license holders. Connecticut has received between \$5 and \$7 million dollars annually that support approximately one-half of our fish and wildlife programs.

The United States Fish & Wildlife Service (USFWS) and Department of the Interior (DOI) staff response to the transfer of fish and wildlife revenues to the state general fund was that it is a potential violation of 50 CFR 80.4 and that CT would likely be declared ineligible to receive SFR and WR funds. This potential violation of 50 CFR 80.4 can be corrected by repealing 26-14 and modifying 26-15 and 26-15a to more clearly require that revenues generated by the sale of fish and wildlife licenses, permits, tags and stamps are used exclusively in support of fish and wildlife programs managed by the Department's Bureau of Natural Resources. General Fund support of fish and wildlife programs has always equaled or exceeded revenues. Additionally, new text is proposed that will clarify requirements for reports that the Department must submit annually to the USFWS to maintain eligibility for federal funds.

The Department requests that the word "estimated" be removed from line 47 of House Bill 5128.

In summary, the Department supports the bill as it would protect fish and wildlife programs by preventing the loss of approximately \$6.5 - \$7.0 million dollars in annual federal funding for those programs, improve an already successful sportsman's licensing system, and clarify issuance of "special use" licenses for all Department properties.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or Robert.LaFrance@ct.gov.

